UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,006	07/25/2003	Brian Hernacki	SYMAP027	3957

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VAN PELT, YI & JAMES LLP
10050 N. FOOTHILL BLVD #200
CUPERTINO, CA 95014

EXAMINER
CALLAHAN, PAUL E

ART UNIT	PAPER NUMBER
2137	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _16 November 2007_.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-3,5-7,10-17,20 and 21_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-3,5-7,10-17,20,21_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1-7, 9-18, 20 and 21 were pending in the instant application at the time of
the issuance of the previous Office Action, mailed June 26, 2007. By the latest response
from the applicant, filed November 16, 2007, claims 4, 9, and 18 are additionally
cancelled. Claims 1-3, 5-7, 10-17, 20 and 21 remain pending and have been examined.

Response to Arguments

2.   Applicant's arguments filed November 16, 2007 have been fully considered but
they are not persuasive.

        The Applicant argues in traverse of the rejection of the claims under 35 USC
Sec. 103(a) as unpatentable over Gupta and Stallenberg. The Applicant asserts that the
claims, as amended, may be distinguished because Gupta fails to teach the feature of:
*"...concluding based at least in part on a determination that the pattern matching data
matches the pattern that a network traffic with which the pattern matching
data is associated is associated with an application protocol with which the pattern is
associated."* To the extent that the meaning of this passage can be gained, the
Examiner finds that such a feature are indeed taught by Gupta at, for example:
paragraphs [0063], [0064], [0076], [0081], [0083], [0095], where the pattern matching
process is taught as including application protocol information.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4.   Claims 1-7, 9-18, 20 and 21 are rejected under 35 U.S.C. 102(b) as being clearly

anticipated by Gupta et al., US 2003/0004688 A1.

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       As for Claim 1, Gupta teaches a method for identifying network traffic [0002]

comprising: receiving pattern matching data [0043]; comparing the pattern matching

data with a pattern [0050], [0084]; and determining whether the pattern matching data

matches the pattern [0087], and concluding based at least in part on a determination

that the pattern matching data matches the pattern that a network traffic with which the

pattern matching data is associated is associated with an application protocol with

which the pattern is associated[0063], [0064], [0076], [0081], [0083], [0095].

       As for claim 2, Gupta teaches a method for identifying network traffic as recited in

Claim 1, wherein the pattern matching data includes application data [0076], [0081],

[0083], [0095].

As for claim 3, Gupta teaches a method for identifying network traffic as recited in Claim 1, in the event that the pattern matching data matches the pattern, further including determining a property associated with the network traffic [0063], [0064].

As for claim 5, Gupta teaches a method for identifying network traffic as recited in Claim 1, in the event that the data matches the pattern, further including determining a property associated with the data and assigning a score for the property [0055], [0059].

As for claim 6, Gupta teaches a method for identifying network traffic as recited in Claim 1, in the event that the data matches the pattern, further including determining a property associated with the data; and applying a policy based on the property [0055], [0059], [0061].

As for claim 7, Gupta teaches a method for identifying network traffic as recited in Claim 1, further comprising assigning a score to a match if the pattern matching data matches the pattern [0055].

As for claim 10, Gupta teaches a method for identifying network traffic as recited in Claim 1, wherein the pattern matching data includes a string selected from a packet [0084], [0085], [0086].

As for claim 11, Gupta teaches a method for identifying network traffic as recited in Claim 1, wherein pattern matching data includes concatenated application data of a plurality of packets [0068], [0104].

As for claim 12, Gupta teaches a method for identifying network traffic as recited in Claim 1, wherein the pattern includes a regular expression [0076], [0081], [0083], [0095].

As for claim 13, Gupta teaches a method for identifying network traffic as recited in Claim 1, wherein the pattern includes application protocol information [0063], [0064].

As for claim 14, Gupta teaches a method for identifying network traffic as recited in Claim 1, wherein the pattern includes commonly used port information [0076], [0107].

As for claim 15, Gupta teaches a method for identifying network traffic as recited in Claim 1, in the event the data does not match the pattern, further comprising returning a failure indicator [0104: Alert].

As for claim 16, Gupta teaches a method for identifying network traffic as recited in Claim 1, wherein determining whether the pattern matching data matches the pattern occurs at the beginning of session [0103: Packet is cached and analyzed upon receipt].

As for claim 17, Gupta teaches a method for identifying network traffic as recited in

Claim 1, wherein comparing the pattern matching data with a pattern is performed for

each received data [0103].

Claim 20 is directed towards a system that carries out the method steps of claim 1.

Claim 20 recites substantially the same limitations as claim 1 and therefore is rejected

on the same basis as that claim.

Claim 21 is directed towards a computer program embodied in a computer-

readable medium that causes a processor to undertake the method steps of claim 1.

Claim 21 recites substantially the same limitations as claim 1 and therefore is rejected

on the same basis as that claim.

Conclusion

5.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

6.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Paul E. Callahan whose telephone number is (571) 272-

3869. The examiner can normally be reached on M-F from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's

supervisor, Emmanuel Moise, can be reached on (571) 272-3865. The fax phone

number for the organization where this application or proceeding is assigned is: (571)

273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

/Paul Callahan/
February 13, 2007

/Emmanuel L. Moise/

Supervisory Patent Examiner, Art Unit 2137